

<b>IN RE: APPEAL OF HABITAT FOR HUMANITY OF BERKS COUNTY, INC. RELATIVE TO MULTIPLE PROPERTIES IN THE VICINITY OF THE 400 BLOCK OF MILTIMORE STREET KNOWN AS THE BUTTONWOOD GATEWAY PROJECT IN THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-02 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 10th day of March, 2021, a hearing having been held on February 16, 2021, upon the application of Habitat for Humanity of Berks County, Inc., notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Habitat for Humanity of Berks County, Inc., a Pennsylvania Non-Profit Corporation with a mailing address of 201 Washington Street, Suite 329-330, Reading, PA 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple and equitable owner of the 29 real properties set forth on the attached Exhibit “A” (hereinafter known as the “Subject Properties”).
3. Documentation has been submitted regarding the 6 parcels owned by Wilson Laboy and Our City Reading as set forth on Exhibit “A” demonstrating that Applicant holds an equitable ownership interest and/or owner authorization respecting this application for the aforementioned parcels.
4. The Subject Properties are located in the Residential R-3 Zoning District and as that

term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant was represented by Keith Mooney, Esquire, of Barley Snyder, 50 N. Fifth Street, Reading, PA 19601.

6. Applicant in conjunction with other partners and/or landowners seeks zoning relief to develop and revitalize the Subject Properties within an existing residential neighborhood in the vicinity of the 400 block of Miltimore Street in the City of Reading.

7. Applicant intends to reconfigure and redevelop the 29 parcels of land into a total of 17 lots consisting of the following: 11 dwelling lots including 1 one-family detached dwelling, 8 one-family attached dwellings (townhouses), and 2 one-family semi-detached dwellings, and 6 parcels designated for off-street parking for the development.

8. The project is known as The Buttonwood Gateway Project.

9. There were no objections presented at the hearing.

10. The proposed relief will greatly enhance the Buttonwood Street Gateway into the City and significantly improve the neighborhood and zoning district in general.

11. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will enhance the Zoning District.

### **DISCUSSION**

Applicant in conjunction with other partners and/or landowners seeks zoning relief to develop and revitalize the Subject Properties within an existing residential neighborhood in the vicinity of the 400 block of Miltimore Street in the City of Reading known as The Buttonwood Gateway Project. The proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance. The proposed adaptive reuse is granted.

## **CONCLUSIONS OF LAW**

1. Applicant is Habitat for Humanity of Berks County, Inc.
2. The Subject Properties are set forth on the attached Exhibit “A”.
3. The Subject Properties are located in the Residential R-3 Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-804.A.B., 600-406.D and 600-607.
  5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.
  6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
  7. After reviewing the Applicant’s request in detail, the Zoning Hearing Board enters the following Decision:
    - a. Applicant is granted relief to construct the project as presented, subject to the following:
      - (1) Applicant shall submit a Preliminary Subdivision and Land Development Plan in order to address the provisions required by the Zoning Ordinance and the Subdivision and Land Development Ordinance.
      - (2) Applicant shall submit a Final Subdivision and Final Land Development Plan in order to be approved by the City of Reading and recorded with the Berks County Recorder of Deeds.
      - (3) The Subdivision and Land Development Plan should account for the multiple lot line revisions and annexations that will be required to establish residential lots that can accommodate the proposed residential dwellings and parking areas.

(4) The Subdivision and Land Development Plan should verify or determine if any adjacent dwellings, accessory buildings and/or site improvements are located within the Subject Properties in pre and/or post development conditions. Any inadvertent encroachments shall be resolved prior to municipal approval of the Subdivision and Land Development Plan.

(5) The use of the 10-foot wide alley that will be utilized by Lots 9, 10, and 11 for site accessibility and off-street parking should be verified and improved. If necessary, the 10-foot wide alley should be widened and improved as part of the Subdivision and Land Development Plan.

(6) The Subdivision and Land Development Plan should provide emphasis on: neighborhood revitalization and redevelopment, establishing conforming properties, vehicular and pedestrian site accessibility, off-street parking, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yard, solid waste disposal, and other supplemental requirements.

(7) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(8) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(9) A Stormwater Management Plan shall be prepared and submitted to the City of Reading in accordance with the provisions specified by the City of Reading and the agencies with jurisdiction.

(10) The proposed residential dwellings and site improvements shall comply with all fire, safety and accessibility requirements specified by the City of Reading.

(11) All proposed residential dwellings that will be contained on the 11 residential lots within this redevelopment project shall comply with the building code requirements adopted by the City of Reading.

(12) If Applicant desires to change the layout of the structures, any such change is at the sole discretion of the Zoning Administrator.

(13) Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

(14) Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

(15) Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

**The decision of this Board is by a vote of 5 to 0.**

**ZONING HEARING BOARD OF THE  
CITY OF READING**

*/s/ Philip Rabena*

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**PHILIP RABENA, CHAIRMAN**

*/s/ Thomas Fox*

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**THOMAS FOX**

*/s/ Jeffrey Gattone*

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**JEFFREY GATTONE**

*/s/ William Harst*

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**WILLIAM HARST**

*/s/ Jared Barcz*

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**JARED BARCZ**

**EXHIBIT "A"**

**EXHIBIT "A"**

**SUBJECT ADDRESS - RECORD PROPERTY OWNER**PROJECT NAME: The Buttonwood Gateway ProjectDATE: 11/17/2020PROJECT NO.: HFH-REA-01PREPARED: LGGLOCATION: City of Reading, Berks County

REVISED: \_\_\_\_\_

SUBJECT ADDRESS			RECORDED DEED PROPERTY OWNER		
NUMBER	STREET	ZIP CODE	NAME	ADDRESS	ZIP CODE
459	MILTIMORE ST	19601	OUR CITY-READING INC	4500 PERKIOMEN AVE READING, PA	19606
457	MILTIMORE ST	19601	LABOY, WILSON	200 E ROBSON ST LOT 34 LAKELAND, FL	33805
455	MILTIMORE ST	19601	OUR CITY-READING INC	4500 PERKIOMEN AVE READING, PA	19606
447	MILTIMORE ST	19601	OUR CITY-READING INC	4500 PERKIOMEN AVE READING, PA	19606
441	MILTIMORE ST	19601	OUR CITY-READING INC	4500 PERKIOMEN AVE READING, PA	19606
425	MILTIMORE ST	19601	OUR CITY-READING INC	4500 PERKIOMEN AVE READING, PA	19606
460	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
458	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
450	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
448	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
446	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
444	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
442	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
440	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
438	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
436	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
434	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
432	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
430	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
428	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
426	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
424	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
422	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601

**SUBJECT ADDRESS - RECORD PROPERTY OWNER**

PROJECT NAME: The Buttonwood Gateway Project  
PROJECT NO.: HFH-REA-01  
LOCATION: City of Reading, Berks County

DATE: 11/17/2020  
PREPARED: LGG  
REVISED: \_\_\_\_\_

SUBJECT ADDRESS			RECORDED DEED PROPERTY OWNER		
NUMBER	STREET	ZIP CODE	NAME	ADDRESS	ZIP CODE
420	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
418	MILTIMORE ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
411	GORDON ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
225	W BUTTONWOOD ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
227	W BUTTONWOOD ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601
229	W BUTTONWOOD ST	19601	HABITAT FOR HUMANITY OF BERKS COUNTY INC	201 WASHINGTON ST STE 329-330 READING, PA	19601